

4 corners

## SECTION 4 LOW DENSITY RURAL RESIDENTIAL AND AGRICULTURAL SUB-DISTRICT (LDRR/A)

### 4.1 Purpose.

This chapter establishes the Low Density Rural Residential and Agricultural Sub-District and standards specifically applicable within the Sub-District. The Low Density Rural Residential and Agricultural (LDRR/A) Sub-District is located along the Gallatin River. The purpose of the LDRR/A Sub-District is to promote and preserve continued agricultural and rural Residential use of property, including waterways, Open Space, trails, and wildlife corridors along the Gallatin River. For the purpose of §76-2-209 MCA, the LDRR/A Sub-District is determined to be Residential in nature.

### 4.2 Uses Allowed By Right.

Uses allowed by right in the LDRR/A Zoning Sub-District are listed below. With the exception of Agriculture and Agriculture-related Structures, any new construction associated with Principal Uses requires an administrative land use permit from the Planning Department prior to any construction. See Section 2.3 for the permitting process.

Use	Comments
Agriculture and agricultural activity	Includes associated Structures and employee housing.
Day Care, Family	
Essential Services, Type I	
Home Occupations	See Development Standards in Section 9.2.7,
Mobile Home Parks	
Religious Organizations and Places of Worship	
Residential	Includes single-family residences up to and including four-plexes (including Apartments), Accessory Uses, Guesthouses, and Caretakers Residences. Detached Accessory Dwelling Units shall not exceed more than two.
Riding Stables	Including Commercial Equestrian Facilities
Schools	
Wind or Solar Towers	

### 4.3 Conditional Uses.

Conditional uses allowed in the LDRR/A Sub-District are listed below and will require a CUP pursuant to Section 2.4 prior to commencement.

Use	Comments
Bed and Breakfast Inns	
Boarding Houses	
Campgrounds	
Communications Towers	Outside of platted subdivisions
Community Centers	
Day Care	Both Group and Center
Essential Services, Type II	
Extended Care (Nursing and Residential Care)	
golf courses and country clubs	
Home-Based Businesses	
non-conforming uses - expansion	
Opencut Operation (AKA Gravel Mine)	Excluding asphalt mixing plants. See Section 9.2.8 for Development Standards.
Residential	Residential uses exceeding four-plex Units
Special Events Facilities	
veterinary clinics	Not including animal kennel operations

#### 4.4 Required Property Line Setbacks.

- 4.4.1 Setbacks. There are no minimum property line setbacks. Property line setbacks are controlled by the Landscape Buffers described in Section 9.2.5.
- 4.4.2 Exemptions. When a Lot owner owns multiple Lots, Landscape Buffers for the common interior property line do not apply and Lot owners may build across Lot lines. Landscaped buffers apply on the outer Lot lines.

#### 4.5 Building Height.

Unless otherwise excepted by Section 4.5.1, the height of all new Structures shall be limited to 50 feet as measured from the lowest point of the finished grade to the highest structural point of the roof.

- 4.5.1 Exemptions. The construction of a new Agricultural Structure or the addition to an existing Agricultural Structure is not subject to the requirements of Section 4.5.

#### 4.6 Density.

The number of Lots allowed is based on Gross Average Density. There is no minimum Lot size; Lots may be any size as long as the overall density of the project does not exceed that allowed by this section. Base Density in the LDRR/A subdistrict shall be one Lot per 10 acres.

4.6.1 Exception. Family transfer claims are exempt from the density requirements of Section 4.6.

4.6.2 Density Bonus. If 75% of a Development is preserved as Open Space in compliance with Section 9.3.4, density may be increased up to one Lot per 5 acres.

#### **4.7 Additional Standards.**

4.7.1 Refer to Section 9 for Development Standards.

4.7.2 Landowners are reminded that other federal, state, and local approvals may be required, including but not limited to approval for sanitation and water supply facilities, demonstration of adequate water rights, access or system impact approvals from Gallatin County and/or the Montana Department of Transportation, compliance with covenants, or any other federal, state, or local approvals required by law.



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## SECTION 9 DEVELOPMENT STANDARDS

### 9.1 Standards Protecting Agriculture (Plan Policy 1)

9.1.1 Purpose. The purpose of this section is to provide standards implementing Policy 1 of the Four Corners Community Plan, protecting the right to farm and ranch.

#### 9.1.2 Agricultural Water Conveyance Facilities

- A. Identification of Agricultural Water Conveyance Facilities.** Any proposed Development requiring a Land Use Permit shall identify all Agricultural Water Conveyance Facilities located on the property or, if located off-site, those Agricultural Water Conveyance Facilities located within 50 feet of the Development requiring the LUP.
- B. Acknowledgment of contact with irrigation entity.** Any proposed Development requiring a LUP within 50 feet of the centerline of an Agricultural Water Conveyance Facility shall submit with their LUP application acknowledgment of contact with the appropriate water users and/or Agricultural Water Conveyance Facility's authorized representatives. Those users or representatives have 30 days to respond; if no response is received, the application may proceed. A model acknowledgment form is included in Appendix A. If a subdivision has addressed impacts to an Agricultural Water Conveyance Facility through the subdivision review process, the applicant may substitute that evidence with a Land Use Permit Application for an acknowledgment form.
- C. Stormwater or snowmelt Runoff.** Unless there is written consent from the appropriate water users and/or Agricultural Water Conveyance Facility's authorized representatives, any proposed Development requiring a LUP shall be designed and developed so stormwater, snowmelt Runoff, water from dewatering activities, or other water originating from within the boundaries of the Development, does not run into or become captured by any Agricultural Water Conveyance Facility.
- D. Modifications of water transmission.** Unless there is written consent from the appropriate water users and/or Agricultural Water Conveyance Facility's authorized representatives, there shall be no interference or obstruction in the transmission of water in any Agricultural Water Conveyance Facility.. Before any maintenance, improvements, crossings, or modifications are performed on any Agricultural Water Conveyance Facility, the appropriate water users and/or Agricultural Water Conveyance Facility's authorized representatives must give written permission for the work to be done.

9.1.3 Fencing. All new subdivisions shall be fenced to prevent conflict with any existing agricultural operations on neighboring properties. Providing legally adequate fencing

shall be the responsibility of the developer, and the continuing maintenance of all such fencing shall be the responsibility of the owner or property owners' association.

## **9.2 Standards For Land Use Compatibility (Plan Policy 2)**

9.2.1 Purpose. The purpose of this section is to implement the Four Corners Community Plan Policy 2, which encourages a variety of compatible uses, and Policy 9.1, encourage lighting that protects the night sky.

9.2.2 Connections. All uses shall be designed, where possible, to share connections with adjoining uses to facilitate traffic flow, allow for functional pedestrian connections, and access for emergency vehicles.

9.2.3 Outdoor Lighting Standards. The outdoor lighting standards apply to new commercial, industrial, or Residential construction except as follows.

A. **Exemption.** The following uses are exempt from the lighting standards:

- i.* Agricultural Structures and uses;
- ii.* Single-family Residential uses on Parcels two acres or greater;
- iii.* Structures in platted subdivisions with existing covenants addressing lighting standards;
- iv.* Lighting for temporary seasonal displays;
- v.* Lighting for public safety.

B. **Lighting Standards:**

- i.* Lighting fixtures must be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the Structure façade, landscape, or other intended site feature and away from adjoining properties and the public right-of-way;
- ii.* Flag pole lights may be illuminated by one upward aimed, fully shielded spotlight fixture.

C. **Prohibited Outdoor Lighting:**

- i.* Blinking, flashing, moving, revolving, flickering, changing intensity or color, and chase lighting;

- ii.* Any light fixture that may be confused with or construed as a traffic control device;
- iii.* Any upward oriented lighting except as otherwise provided for in this section;
- iv.* Searchlights, beacons, and laser source fixtures.

9.2.4 **Road Improvements.** The following standards mitigate the impact of high-traffic uses on roads.

- A. **Average Daily Traffic (ADT).** ADT for Lots approved for multi-family Development and/or commercial Development shall be determined based on the figures from the most current volume of the Institute of Traffic Engineers (ITE) Manual;
- B. **Traffic Impact Studies.** Uses generating 500 ADT or more shall be required to provide a Traffic Impact Study (TIS) to identify impacts from the proposed use with a LUP application and shall provide mitigation as identified by the TIS prior to obtaining a Certificate of Occupancy. Where required, a TIS shall comply with the process requirements of the Gallatin County Subdivision Regulations;
- C. **Greater Bozeman Area Transportation Plan.** All uses and subdivisions requiring improvements to County roads shall refer to the current adopted version of the Greater Bozeman Area Transportation Plan for road improvement design standards.

9.2.5 **Landscaping.** Landscaped Buffers are used to mitigate impacts of adjacent land uses of differing intensity.

**A. Projects Requiring a Landscaped Buffer:**

- i.* New subdivision;
- ii.* New construction of twelve or more Dwelling Units in multi-family Structures; or
- iii.* New Construction of 15,000 or more square feet of Office, Retail, Personal and Business Service, or industrial uses; or
- iv.* New Construction of more than one building on one site for Office, Retail, Personal and Business Service, industrial uses, or combinations of uses; or
- v.* New use utilizing 10,000 or more square feet of exterior storage materials or goods; or
- vii.* Expansion of any of the above-mentioned uses by more than 1,000 square feet.

## **B. Minimum Landscape Buffer Requirements.**

- i. Width.* The widths of required Landscape Buffers vary with the nature of the uses being separated. See Table 9.1.
- ii. Existing Landscaping.* Retention of existing landscaping (trees and shrubs meeting the definition of 9.2.5.B.iii.a through e) is required.
- iii. New Landscaping.* The Landscape Buffer shall contain at least one of the following groups of plant materials at a minimum average density of one group for each fifty linear feet:
  - a. One Large Canopy Tree and one Large Non-Canopy Tree; or
  - b. One Large Canopy Tree and two Small Trees; or
  - c. One Large Canopy Tree and five evergreen shrubs; or
  - d. One Large Canopy Tree, one Small Tree, and two large evergreen shrubs; or
  - e. Two Large Non-Canopy Trees and one Small Tree.
- iv. Fences/Walls.* Fences or walls shall be opaque and at least six feet in height. The fence or wall shall be on the interior side of the buffer, placing landscaping nearest neighboring properties.

## **C. Landscape Buffer Width Exceptions.**

- i.* Where a Lot is 40 feet wide or less, Landscape Buffer widths may be reduced by half or waived if adjacent landowners provide agreement in writing. In situations where multiple adjoining Lots are owned by the same owner and treated as a single Lot whose outer Lot lines exceed 40 feet wide, Landscape Buffers on the outer Lot lines must meet the full buffer requirement.
- ii.* Landscaped Buffers shall not be required if the proposed use results in industrial and/or commercial uses where rear yards are adjacent/adjoining.
- iii.* Landscape Buffers between new commercial and existing, adjacent Agriculture only apply to agricultural uses with Residential Structures within 20 feet of the adjacent property line.

**D. Buffer Width Reduction: Additional Plantings.** Minimum Landscape Buffer widths may be reduced where a greater density and diversity of plantings is included in the Landscape Buffer. The reductions allowed by this section are cumulative and may result in a total reduction of up to 30%.



- i. Large Canopy or non-Canopy Trees.* The required Landscape Buffer width shall be reduced by 10% where five or more Large Canopy or Large non-Canopy Trees per hundred lineal feet are planted or retained.
- ii. Small Trees.* The required Landscape Buffer width shall be reduced by 10% where five or more understory Trees per hundred lineal feet are planted or retained.
- iii. Shrubs.* The required Landscape Buffer width shall be reduced by 10% where 20 or more shrubs per hundred lineal feet are planted or retained.

**E. Landscape Buffer Crossings/Inclusions.** Required Landscape Buffers may be crossed by access drives, utility lines, sidewalks, and pedestrian trails. Pedestrian trails and buried utility lines and Allowed Freestanding Signs may be located in required Landscape Buffers. Outdoor sales or storage shall not be allowed within a required Landscape Buffer.

**Table 9.1 - Landscaped Buffer Requirements**

The following table applies to new subdivision and to construction meeting the criteria of 9.2.5.A. When uses are mixed in the same Structure, the lower minimum buffer width applies. For the purposes of this table, institutional uses are treated as commercial. Proposed uses adjacent to existing agricultural uses shall not be required to provide buffering.

<u>Proposed Use</u>	<u>Existing Adjacent Use</u>	<u>Minimum Buffer Width</u>	<u>Fence or Wall?</u>
Industrial	Residential	40	Yes
Industrial	Agriculture	40	Yes
Industrial	Commercial, general	10	No
Industrial	Public Road	10	No
Commercial, general	Industrial	10	No
Commercial	Residential	20	No
Commercial	Agriculture	20	No
Commercial outdoor materials storage, handling, or sales area, over 10,000 square feet	Residential	30	Yes
Commercial outdoor materials storage, handling, or sales area, over 10,000 square feet	Agriculture	30	Yes
Commercial, general	Public Road	10	No
Residential	Industrial	40	No
Residential	Commercial, general	20	No
Residential	Commercial outdoor materials storage, handling, or sales area, over 10,000 square feet	30	No
Residential construction meeting the criteria of 7.2.5.A	Single-Family or Duplex Residential	20	No
Residential construction meeting the criteria of 7.2.5.A	Agriculture	20	No
Single-Family or Duplex Residential	Residential construction meeting the criteria of 9.2.5.A	20	No

9.2.6 Home-Based Businesses. A Home-Based Business shall meet the following standards:

- A. The Home-Based Business shall not change the residential character of the Lot or adversely affect adjacent properties or the uses allowed in the district.
- B. All vehicles, materials, and solid waste related to the Home-Based Business must be located within Structures or screened from view.
- C. All parking shall be provided on site.

9.2.7 Home Occupations. A Home Occupation shall meet the following standards:

- A. No one residing off premises may be employed (for work related to the occupation), on the premises of a Home Occupation.
- B. All parking shall be provided on site.

9.2.8 Opencut Operations. Opencut Operations shall obtain a CUP pursuant to Section 2.5 and shall comply with the following standards:

A. **Location In RR/A or LDRR/A.** No new Opencut Operations or expansion of an existing Opencut Operation within the RR/A or LDRR/A Sub-Districts shall be located within ½ mile of an existing Residential Structure within the RR/A or LDRR/A Sub-Districts. The distance shall be measured from the outer edge of the proposed Opencut Operation to the closest edge of the neighboring Residential Structure.

i. *Exemption.* If all residents in the RR/A or LDRR/A Sub-Districts within ½ mile of a new Opencut Operation, or expansion of an existing Opencut Operation, in the RR/A or LDRR/A Sub-Districts support the location of an Opencut Operation in writing, the County Commission may waive this standard, Opencut Operation may be allowed with an approved CUP.

B. **Location In All Other Sub-Districts.** Opencut Operations located in the C, MU, PLI, or NC Sub-Districts are not subject to the standards of 9.2.8.A.

C. **Renewal of Existing Operations.** If permits on file with the State Department of Environmental Quality expire, the Opencut Operation may renew the terms of the original permit without obtaining a CUP. Expansion of an existing Opencut Operation requires a CUP pursuant to Section 2.5.

D. **On-Site Opencut Operations.** On-site, non-commercial Opencut Operations are exempt from Section 9.2.8 and are not required to obtain a CUP.

### 9.3 Standards For the Environment (Policies 3 and 8)

9.3.1 Purpose. The purpose of this section is to implement Four Corners Community Plan Policy 3, support the provision of parks, recreation, trails, and Open Space, and Policy 8, support constraints-based planning with emphasis on sustainability and suitable mixed-use Developments. This section sets out standards for the protection of Watercourses, Wetlands, and Open Space.

#### 9.3.2 Watercourses.

**A. Construction setbacks to the Gallatin River.** A 300-foot setback shall be provided between the ordinary high water mark and any new Structures requiring a Land Use Permit, excluding Structures used for agricultural purposes or the maintenance of livestock. Other exceptions are detailed in Section 9.3.2.D below.

*i. Construction Setbacks in the Rainbow Subdivision.* A 150-foot setback shall be provided between the ordinary high water mark and any new Structures requiring a Land Use Permit in the Rainbow Subdivision, excluding Structures used for agricultural purposes or the maintenance of livestock.

**B. Construction setbacks to other Watercourses.** A 150-foot setback shall be provided from the ordinary high water mark of all other Watercourses for any new Structures requiring a Land Use Permit, excluding Structures used for agricultural purposes or the maintenance of livestock. This setback does not apply to Agricultural Water Conveyance Facilities.

*ii. Construction setbacks in the Rainbow Subdivision.* A 75-foot setback shall be provided from the ordinary high water mark of all other Watercourses for any new Structures requiring a Land Use Permit in the Rainbow Subdivision, excluding Structures used for agricultural purposes or the maintenance of livestock. This setback does not include Agricultural Water Conveyance Facilities.

**C. Retention of existing vegetation.** Riparian areas and existing vegetation along Watercourses shall be maintained to the maximum extent possible.

#### 9.3.3 Wetlands.

**A. Wetlands Delineation.** A wetlands delineation prepared in accordance with the current guidelines of the Army Corps of Engineers must accompany the following applications:

*i.* The subdivision of land in compliance with Title 76, Chapter 3, MCA;

*ii.* Land Use Permits for construction activity requiring any of the following permits:

- a. Montana Stream Protection Act (SPA 124 Permit);
- b. Stormwater Discharge General Permit;
- c. Montana Natural Streambed and Land Preservation Act (310 Permit);
- d. Montana Floodplain and Floodway Management Act (Floodplain Development Permit);
- e. Federal Clean Water Act (404 Permit);
- f. Federal Rivers and Harbors Act (Section 10 Permit);
- g. Montana Land-Use License or Easement on Navigable Waters.

**B. Wetland Protection Standards.** The following standards shall apply to all Wetlands:

- i. *Location in Open Space.* Open Space shall include all delineated Wetlands (see Section 9.3.4 for Open Space standards);
- ii. *Setback.* A 35-foot setback shall be provided between all Wetlands and any new Structures requiring a Land Use Permit, with the exception of:
  - a. Structures used for agricultural purposes or for the maintenance of livestock; and
  - b. Structures built on Lots platted in the Rainbow Subdivision.
- iii. *Alterations.* Wetlands may be altered if federal and state permits are obtained, or if permits are not required, compliance with all federal and state guidelines. All altered and newly-created Wetlands shall meet the standards of Section 9.3.3.

**C. Exemptions.** Exemptions to Section 9.3.3 are as follows:

- i. Wetlands may be modified for necessary utility lines, roads, driveways, and trails, provided that all state and federal permits are obtained.
- ii. Structures used for agricultural purposes or the maintenance of livestock, as well as docks, decks, and boathouses, are exempt from these requirements.

**9.3.4 Open Space.**

**A. Open Space Standards.** Open Space shall be permanently protected and shall meet the following standards:

- i.* Open Space shall provide effective corridors through proposed Development for both wildlife movement and/or trails;
- ii.* Where possible, Open Space shall be designed to be contiguous to Open Space in adjacent Developments;
- iii.* Open Space should include wildlife habitat, riparian areas (including land set aside in Watercourse setbacks), and Wetlands;
- iv.* Open Space calculations shall not include road rights-of-way, Parking Areas, Structures (unless associated with Agriculture or with recreation intended to be used or managed by the property owners' association) required Landscape Buffer areas, or land within individually owned Lots (unless meeting the requirements of 9.3.4.B.iv below);
- v.* Maintenance of designated Open Space shall be the responsibility of the property owners' association or, in the case of 9.3.4.B.iv, individual Lot owners.

**B. Methods of Preserving Open Space.** Open Space shall be permanently protected and may be held in one of the following ways:

- i.* Open Space Parcel dedicated to the property owners' association;
- ii.* A park dedication according to the requirements of the Gallatin County Subdivision Regulations;
- iii.* A perpetual conservation easement restricting Development of the Open Space and allowing Open Space uses as provided above and granted to an organization acceptable to the County Commission;
- iv.* An individual Parcel owned by an individual Lot owner or other third party, dedicated as permanent Open Space on the plat and meeting all requirements of 9.3.4.A above.

## **9.4 Standards Promoting a Quality Streetscape (Policy 7)**

9.4.1 Purpose. The purpose of this is to implement Policy 7 of the Four Corners Neighborhood Plan, "Promote a quality streetscape".

9.4.2 Standards for New Structures Adjacent to Jackrabbit Lane (Highway 85), Huffine Lane (Highway 191), and Highway 191 south of Four Corners. The following standards apply to new Structures (both buildings and parking lots).

**A. Parking to Side or Rear of Structures.**

- i. *Parking Lot Design.* Parking for new Structures requiring a Land Use Permit shall not be located more than two rows deep between the primary Structure and Jackrabbit Lane, Huffine Lane, or Highway 191 Lane south of Four Corners. Other necessary parking shall be placed to the side or rear of Structures.
  - ii. *Exception:* New Structures requiring a Land Use Permit at the intersection of Huffine Lane and Jackrabbit Lane are exempted from Section 9.4.2.i.
- B. **Connections.** New subdivision and construction of new Structures requiring a Land Use Permit shall design traffic and pedestrian connections, such as sidewalks and trails, between Lots and buildings, including, but not limited to, shared drives, and multiple and/or shared access points.
  - C. **Pedestrian Trails/Sidewalks.** Pedestrian trails and sidewalks shall be constructed to connect pedestrians to the entrance of buildings from sidewalks or trails along any frontage roads and from parking lots.
  - D. **Exceptions.** A new use in an existing Structure does not need to meet the standards of Section 9.4.2.

9.4.3 Signs. Standards for Signs are as follows:

- A. **Standards for Signs on property fronting Jackrabbit Lane (State Highway 85), Huffine Lane (State Highway 191), Norris Road (State Highway 84) and Highway 191 south of Four Corners.**
  - i. *Building Signs.* There are no requirements for Signs on buildings.
  - ii. *Temporary Signs.* There are no requirements for Temporary Signs.
  - iii. *Freestanding Signs.*
    - a. On-Premise Freestanding Signs. One on-premise Freestanding Sign is allowed for each Lot or. For Lots fronting more than one road listed in 9.4.3.A, one on-premise Freestanding Sign is allowed per road frontage.
    - b. Off-Premise Freestanding Signs. One Off-Premise Freestanding Sign shall also be allowed per Lot. For Lots with more than 300 linear feet of road frontage, one Off-Premise Freestanding Sign is allowed every 300 linear feet.
      - 1. *Height.* Maximum height of all Freestanding Signs shall be 30 feet measured from the base of the nearest road edge.
      - 2. *Square Footage.*

- a. On-premise Freestanding Signs shall not exceed a maximum square footage of 240 square feet per Sign Face.
  - b. Off-Premise Freestanding Signs shall not exceed a maximum square footage of 96 square feet per Sign Face.
- iv. *Master Signs.* Buildings or clusters of buildings having more than one tenant or use, multi-tenant condo associations, and multi-Lot incorporated property owners associations may utilize a Master Sign for the entire Structure or project. If a project has more than one entrance, Master Signs may be utilized at each entrance.
- a. Height. Maximum height of all Master Signs shall be 30 feet measured from the base of the nearest road edge.
  - b. Square Footage. Master Signs shall not exceed a maximum square footage of 240 square feet of Sign Area per Sign Face.
  - c. Height for other Signs within multi-Lot Developments. Lots within a multi-Lot Development utilizing a Master Sign may have one On-Premise Free-Standing Sign up to 30 feet in height measured from the base of the nearest road edge.
  - d. Square Footage of other Signs within multi-Lot Developments. Lots within a multi-Lot Development utilizing a Master Sign may have one on-premise Free-Standing Sign with a Sign Area of up to 96 square feet per Sign Face.

**B. Standards for Signs on property fronting all other roads in the District.**

- i. *Building Signs.* There are no requirements for Signs on buildings.
- ii. *Temporary Signs.* There are no requirements for Temporary Signs.
- iii. *Free-Standing Signs.*
  - a. On-Premise Freestanding Signs. One on-premise Freestanding Sign is allowed per Lot. For Lots with more than 400 linear feet of road frontage, one on-premise Freestanding Sign is allowed every 400 linear feet.
  - b. Off-Premise Freestanding Signs. One Off-Premise Sign shall also be allowed per Lot. For Lots with more than 400 linear feet of road frontage, one off-premise Freestanding Sign is allowed every 400 linear feet.
    - 1. *Height.* Maximum height of all Free-Standing Signs shall be 25 feet measured from the base of the nearest road edge.



2. *Square Footage.* On-premise Freestanding Signs shall not exceed a maximum square footage of 96 square feet of Sign Area per Sign Face.
- iv. **Master Signs.** Buildings or clusters of buildings having more than one tenant or use, multi-tenant condo associations, and multi-Lot incorporated property owners associations may utilize a Master Sign for the entire Structure or project.
    - a. Height. Maximum height of all Master Signs shall be 23 feet measured from the base of the nearest road edge.
    - b. Square Footage. Master Signs shall not exceed a maximum square footage of 96 square feet of Sign Area per Sign Face.
    - c. Height for other Signs within multi-Lot Developments. Lots within a multi-Lot Development utilizing a Master Sign may have one on-premise Free-Standing Sign up to 30 feet in height measured from the base of the nearest road edge.
    - d. Square Footage of other Signs within multi-Lot Developments. Lots within a multi-Lot Development utilizing a Master Sign may have one on-premise Free-Standing Sign with a Sign Area of up to 96 square feet of Sign Area per Sign Face.
  - v. *Prohibited Signs.* The following Signs are prohibited:
    - a. Flashing, blinking, or moving Signs.
    - b. Spotlights or other fixtures used for the illumination of a Sign constituting a nuisance or a traffic hazard, including, but not limited to light sources not shielded from the direct line-of-sight view of passing motorists.
- 9.4.4 Commercial Outdoor Sales and Storage. Standards for commercial outdoor storage and display, including but not limited to car dealerships and implement dealers, are as follows:
- A. **Landscaped Buffers.** All commercial outdoor sales and display must comply with the Landscaped Buffers of Section 9.2.5.B. Outdoor sales and display shall not be located in any required yard or buffer.



# Hebgen Lakes

## SECTION 12 HEBGEN LAKE ESTATES DISTRICT (HLE)

12.1 Intent. The intent of this district is to provide for the orderly development of Hebgen Lake Estates Subdivision.

12.2 Permitted Uses. The permitted uses in the HLE shall be:

1. Accessory uses.
2. Home occupations.
3. Single-family dwellings.
4. Duplex dwelling units on the following lots: Block 2, Lots 1, 2, 3, 4, 7, 8, 16, 18, 19, and 22; Block 3, Lots 47 and 48.
5. Multiple-family dwelling units on the following lots: Block 1, Lots 6, 7, and 9; Block 2, Lots 12, 13, 14, and 15.
6. Office/administration uses on Block 3, Lot 18.
7. Signs, as permitted by this Regulation (see Section 16.11).
8. Temporary buildings for and during construction only.

12.3 Conditional Use. The conditional uses that may be permitted in the HLE shall be:

1. Fire stations
2. Guest houses

12.4 Lot Area and Width. Lot area and width of this district shall be the same as approved on the recorded Amended Plat of Hebgen Lake Estates Subdivision or as approved by the County Commission through the subdivision review process. No lot area or lot width shall be reduced in size without appropriate government approval.

12.5 Setbacks. Every structure within a lot shall have the following minimum setbacks:

Front setback	35 feet
Rear setback	25 feet
Side setback	12 feet

Exception: There shall be no required setbacks on the side of the property adjacent to lands with a zoning designation of Public Lands District. Eaves, awnings, and similar architectural features may project a maximum of five feet into any front, side, or rear setback. Such appendages shall be supported only at or behind the building setback line.

12.6 Floor Area. Each dwelling unit type shall have the following minimum square feet of floor area:

Single-family	1,000 square feet
Duplex	650 square feet
Multi-family	650 square feet

12.7 Building Height. Building height in this district shall not exceed 32 feet.

12.8 Development Standards. See Section 16.



# Hyalite

## SECTION 7 RX RESIDENTIAL (Existing Residential Subdivision)

7.1 Intent. The intent of this district is to provide for residential buildings on lots within existing subdivisions recorded prior to the adoption of this Regulation. Further, it is intended that this district not be used for new subdivisions or developments.

### 7.2 Permitted Uses.

1. Single family dwellings, one per existing lot.
2. Agriculture.
3. Accessory uses:
  - a. Accessory buildings or structures customarily used in conjunction with permitted uses, in conformance with Section 12.
  - b. Signs.

### 7.3 Conditional Uses.

1. Accessory buildings or structures that are not in conformance with Section 12.
2. Community residential facilities as defined in Section 76-2-411 and 412, M.C.A.
3. Guest houses.
4. Family day-care homes or group day-care homes registered by the Department of Family Services under 52-2-7 M.C.A.
5. Accessory apartments.

7.4 Lot Area and Width. With the exception of relocation of common boundaries, no lot area or lot width shall be reduced in size. Relocation of common boundaries shall not result in lots with an average depth greater than three times its average width.

### 7.5 Required setbacks.

Front yard setback	25 feet
Rear yard setback	25 feet
Side yard setback	15 feet
Irrigation setback	50 feet



# Williston, VT

## Chapter 41 – Tafts Corner Zoning District

This chapter establishes the Tafts Corner Zoning District (TCZD) and the standards that are specifically applicable within that district.

### 41.1 Purpose – Boundaries – Uses Permitted

**41.1.1 What are the boundaries of the TCZD?** The boundaries of the TCZD are shown on the official zoning map that accompanies this bylaw.

**41.1.2 What is the purpose of the TCZD?** The *Town Plan* (See Policy 3.3) calls for the development of a design-conscious, pedestrian-friendly, mixed-use town center here in the heart of Williston's growth center.

#### **Town Plan Excerpts that Provide the Policy Basis for this Chapter**

The Town of Williston will encourage design-conscious, pedestrian-friendly, mixed-use development and redevelopment in the Tafts Corner area. It will do this by working with landowners to improve access and by revising its bylaws to provide the flexibility and intensity needed to let this area evolve in a way that is consistent with the town's vision.

from 3.3. Tafts Corner – The Tafts Corner Zoning District is the core of Williston's commercial area – the place where the town's goal of creating a pedestrian-friendly, design conscious, mixed use commercial center can best be realized. ... the TCZD will be expanded to encourage and facilitate a higher intensity of development and redevelopment between Harvest Lane and Route 2A, while preserving views of the Adirondacks. This (couple with the construction of the grid roads) will allow diverse, smaller-scale retail, office, and residential uses to be intermingled with the large retail stores and extensive parking areas that now dominate the area.

See also 4.2.4, 4.2.5, 4.2.6, 4.2.7, and 4.3.

**41.1.3 What uses are permitted in the TCZD?** See Table 41.A. and WDB 41.1.3.1-5.

**41.1.3.1 Retail Sales.** The TCZD will evolve into an intensive retail center, with most new buildings coming to the sidewalk to help create amenable shopping streets along Trader Lane and other grid roads. Space consumptive retail uses, like auto dealers and building supplies, will be guided to the MUCZD or other locations.

**41.1.3.2 Accommodations and Food Services.** At least one hotel will be necessary for the long-term success of the TCZD. Food services, including street vendors, will also be permitted.

**41.1.3.3 Entertainment.** Indoor arts, entertainment, and recreation uses will be encouraged to draw people to the area.

**41.1.3.4 Other Uses.** Beyond retailing, accommodations, and restaurants a wide variety of business and personal service uses are permitted by Table 41.A, all subject to standards that will, over time, add visual diversity and interest and make the area friendlier to pedestrians.

**41.1.3.5 Residential Uses.** Residential uses encouraged. As provided in Chapter 19 of this bylaw, they must have a minimum density of 5 dwelling units per acre, an average density of 7.5 dwelling units per acre, and a maximum of density 15 dwelling units per acre with a transfer of development rights from the ARZD.

41.1.3.6 Accessory Uses. Customary accessory uses and structures are permitted in all zoning districts, as provided by Chapter 17 of this bylaw.

**41.2 Permits.** Permit requirements are explained in Chapters 4-6 of this bylaw. With the minor exceptions noted there, all development in this zoning district will require a discretionary permit before an administrative permit can be approved.

### **41.3 Dimensional Standards**

41.3.1.1 Is there a maximum building height in this zoning district? Building height in the TCZD is limited to 36 feet, except where the incentives of WDB 41.5.4 apply.

41.3.1.2 Must development in this zone be set back from property lines? Setbacks from rear and side property lines in the TCZD controlled by the landscaped buffer requirements of Chapter 23 of this bylaw. Where landscaped buffers are not required, there are no setback requirements.

41.3.1.3 Must development in the TCZD be set back from roads? Yes. The minimum setbacks from roads in this zoning district shall be:

- from the right-of-way of I-89, 150 feet; and
- from the right-of-way of Route 2A, 25 feet.
- Along other roads, buildings will generally come to the sidewalk, with the exceptions provided by WDB 41.5.1.2.

These setbacks must be landscaped as a Type III or IV buffer in compliance with Chapter 18 of this bylaw.

41.3.1.4 What Use may be made of the Required Setbacks? The required setbacks must be landscaped as a Type II, or IV buffer in compliance with Chapter 23 of this bylaw. Access drives, roads, pedestrian ways, underground utility lines, and where such lines are permitted, overhead utility lines may cross required setbacks at a right angle ( $\pm 10^\circ$ ). Pedestrian ways may also run parallel to and within a required setback. Parking and loading areas may not be placed within required setbacks.

41.3.1.5 Density Standards. Lot Size. There is no minimum lot size in this zoning district. See Chapter 19 of this bylaw for a summary of density standards in this district.

**41.3.2 General Standards** Development in this zoning district must, unless specifically exempted, comply with all standards established in this bylaw.

**41.3.3 Specific Standards** Specific Standards are presented in WDB 41.7

### **41.4. Outdoor Sales and Storage**



**41.4.1 Are outdoor sales permitted?** Outdoor sales in the TCZD will be limited to special events like a farmer's market or occasional "sidewalk" sales and sidewalk vendors.

**41.4.2 Is outdoor storage permitted?** Outdoor storage is not permitted in this zoning district, excepting the temporary outdoor storage of construction equipment and materials, which is permitted in compliance with Chapter 17 of this bylaw.

#### **41.5 Development Pattern.**

**41.5.1 How will development be made more pedestrian-friendly?** Buildings must invite pedestrians in, rather than being isolated from the street and sidewalk.

**41.5.1.1 Pedestrian Connections.** There must be a direct pedestrian connection between the principal building entrance/s and the sidewalk/s or path/s along the adjoining street/s. This is in contrast to the current situation in which the connection from the parking area is the principal connection.

**41.5.1.2 Building Line to Sidewalk.** New buildings must come to the sidewalk. This means that parking and outdoor sales must move to the side and/or rear of the building or into a structure. An exception of up to 30% of a building's frontage may be made for an entry plaza or courtyard. The DRB may also permit exceptions for accessible parking and where the terrain and necessary grading make bringing the building to the sidewalk impractical.

**41.5.1.3 No Dead Walls.** Dead walls are permitted in the rear of buildings to provide service and storage space. Other walls must be animated by clearly-demarcated entrances; functional windows, including display windows; architectural detailing; and signs. The DRB may allow an exception where a side wall does not face a street, pedestrian way, or customer parking area.

What is a Dead Wall? A dead wall is any uniform blank wall that is 30 or more feet long.
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**41.5.2 How will buildings be made more appealing?**

**41.5.2.1 Building Mass.** Apparent building mass must be broken up using clearly-demarcated doors and windows, including display windows; variations in the building footprint; and architectural detailing, including changes in materials, patterns, textures, and color. Landscaping may also be used to reinforce changes in massing. Changes in massing should not be merely cosmetic, but should correspond to the arrangement of internal space in the building.

**41.5.2.2 Building Facades.** Building facades must feature:

- a clearly distinguished foundation or base;
- a clearly distinguished top, which may be a parapet or cornice (it must be architectural, not just paint) and/or, preferably, a sloping roof; and
- a clearly-defined sign band or other set locations for signs.

41.5.2.3 Side and Rear Walls. The use of inferior materials for the sides or rear of a building is not permitted.

**41.5.3 What other design elements are required?** New development in the TCZD must offer at least five (5) of the elements listed below.

41.5.3.1 ... multiple retail uses;

41.5.3.2 ... a “wrap” of smaller shops around at least one side of any retail space of more than 20,000 square feet;

41.5.3.3 ... lodging (a hotel) and/or residential uses, including affordable dwelling units;

41.5.3.4 ... structured parking that provides 30% or greater of the required parking;

41.5.3.5 ... multiple stories, not just the appearance of multiple stories;

41.5.3.6 ... wide sidewalks that may be used for outdoor dining and/or with seating that encourages outdoor social interaction;

41.5.3.7 ... public artwork, the nature of which must be approved by the DRB, with the advice of the HAAC;

41.5.3.8 ... an ice rink or other spectator sports venue; and/or

41.5.3.9 ... an urban park, as defined in the *Open Space Plan*. Credit for compliance will be provided only where a proposed park is visible and accessible so that it complements other proposed uses. A picnic table for employee lunch breaks is not an urban park.

41.5.3.10 Multiple Structures. These elements may be provided cumulatively, in or accessory to, multiple buildings that are part of a specific plan.

**41.5.4 Is there an incentive for performance?** Yes. The height limit will be increased from 36 to 52 feet where perpetually affordable housing and/or structured parking are provided. To qualify, the development must create more than three (3) dwelling units, of which 30% or greater are perpetually affordable, and/or provide 30% or greater of its parking requirement in a structure, resulting in a commensurate reduction in surface parking and loading areas.

**41.5.5 Are there any limits on the use of the incentive offered by 38.5.4?** Yes. It is not the intent of the building height incentive to permit the construction of four or five story buildings with flat roofs. This incentive is intended to make it possible to build three or, depending on the grade of the site, four story buildings that have diverse, attractive rooflines.

**41.6 Specific Plans.** Specific plans (see Chapter 9 of this bylaw) may be used to refine the requirements of this zoning district. The DRB may, when reviewing a pre-application, require that the applicant submit a specific plan before a discretionary permit for a new use, or a new structure or major addition will be approved.

**41.7 Adirondack Views.** Much of this zoning district has great westward views to the Adirondacks. Every specific plan and every application for a discretionary permit in the TCZD must show how views to the Adirondacks (where they exist) will be used as a feature of the proposed development. This does not mean that views must be left unimpeded. It does mean that developments must find a way to use this natural asset. Compliance with this standard could take a variety of forms, including, but not limited to, an urban park (see WDB 41.5.3.9) with westward views, windows from indoor "public" spaces facing west; an outdoor dining area with an Adirondack view, etc.

**Table 41.A – Tafts Corner Zoning District**      **NAICS**      **Notes**

Uses that are not specifically permitted are prohibited. Listed uses are permitted only in compliance with all applicable requirements of this bylaw and with the purpose statement for this zoning district.

<b>Residential</b>		At a density of at least 5 DU/A.
<b>Retail Trade</b> , but excluding 441-12, Automobile and Motor Vehicle Dealers; 447, Gasoline Stations, including convenience stores with gas; 45383, Manufactured Home Dealers; 4542, Vending Machine Operators; and 45431, Fuel Dealers	42-45	
Parts Dealers	4413	Only where ALL sales and service are indoors
Building Material and Garden Equipment and Supplies	444	Only small specialty stores, where ALL sales and service are indoors - indoor lighting fixture sales - would be an example, may be permitted.
<b>Information</b>	51	
<b>Finance &amp; Insurance</b>	52	
<b>Real Estate</b>	531	
<b>Professional, Scientific, and Technical Services</b> , but not 54194, Veterinary Services as noted	541	Vets with outdoor treatment and/or boarding facilities must be located in the ARZD
<b>Management of Companies &amp; Enterprises</b>	55	
<b>Administrative Support Services</b>	561	
<b>Educational Services</b>	61	
<b>Health Care and Social Assistance</b>	62	
<b>Arts, Entertainment, and Recreation</b>	71	Indoors only
<b>Accommodation &amp; Food Services</b> , but excluding 72319 - Food Service Contractors	72	No drive-through food service is permitted.
Caterers	72331	But only accessory to other permitted uses.
Mobile Food Services (vendors, kiosks)	72333	
Drinking Places	72341	But only accessory to other permitted uses
<b>Other Services, but only as listed below</b>		
Personal & Laundry Services	812	
excluding 81233 Linen & Uniform Supply	81233	
<b>Public Administration</b>	92	Public parks are permitted in all districts.

